

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-359-C - ORDER NO. 2001-1092
DECEMBER 5, 2001

IN RE: Application of Momentum Business) ORDER GRANTING
Solutions, Inc. for a Certificate of Public) CERTIFICATE FOR
Convenience and Necessity to Provide Resold) LOCAL AND
and Facilities-based Interexchange, Local) INTEREXCHANGE
Exchange and Exchange Access) AUTHORITY AND FOR
Telecommunications Services in the State of) ALTERNATIVE AND
South Carolina and for Alternative and) FLEXIBLE REGULATION
Flexible Regulation.)

This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of the Application of Momentum Business Solutions, Inc. ("Momentum" or the "Company") for authority to provide resold and facilities-based intrastate interexchange, local exchange, and exchange access telecommunications services within the State of South Carolina. The Company requests that the Commission regulate its local telecommunications services in accordance with the principles and procedures established for flexible regulation in Order No. 98-165 in Docket No. 97-467-C. In addition, the Company requests that the Commission regulate its business interexchange services offerings under the identical regulatory treatment granted to AT&T Communications in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. The Company's Application was filed pursuant to S.C. Code Ann. Section 58-9-280 (Supp. 2000) and the Rules and Regulations of the Commission.

By letter, the Commission's Executive Director instructed Momentum to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. The Company complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. A Petition to Intervene was received from the South Carolina Telephone Coalition ("SCTC") on October 2, 2001.

On October 19, 2001, counsel for SCTC filed with the Commission a Stipulation in which Momentum stipulated that it would seek authority only in non-rural local exchange ("LEC") service areas of South Carolina and that it would not provide any local service to any customer located in a rural incumbent's service area, unless and until Momentum provided written notice of its intent prior to the date of the intended service. The Company also stipulated that it was not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas. Momentum agreed to abide by all State and Federal laws and to participate to the extent that it may be required to do so by the Commission in support of universally available telephone service at affordable rates. The SCTC withdrew its opposition to the granting of a statewide Certificate of Public Convenience and Necessity to the Company provided the conditions contained in the Stipulation are met. The Stipulation is approved and attached as Order Exhibit 1.

A hearing was commenced on November 7, 2001, at 11:30 a.m. in the Commission's Hearing Room. The Honorable William Saunders, Chairman, presided. Momentum was represented by Randolph R. Lowell, Esquire. Adelaide D. Kline, Staff Counsel, represented the Commission Staff. Alan L. Creighton, President and Chief Executive Officer for Momentum, appeared and testified in support of the Application.

According to the record, Momentum is a Delaware corporation formed on April 16, 2001. Momentum has received authority from the South Carolina Secretary of State to transact business within the State of South Carolina. Momentum's corporate headquarters are located in Birmingham, Alabama. Mr. Creighton said Momentum currently holds a Certificate of Authority in Alabama, Tennessee, Georgia, and Mississippi. Mr. Creighton testified that Momentum is a start-up company with approximately five hundred customers. He said Momentum specifically proposes to provide a full range of telecommunications services, including, but not limited to, various resold and facilities-based local exchange and interexchange telecommunications services throughout the State of South Carolina. He said Momentum would provide those services through the use of the Unbundled Network Element-Platform (UNE-P) offered by BellSouth. With respect to Momentum's local exchange offerings, Mr. Creighton testified that Momentum intends to provide all forms of intrastate telecommunications services, including basic exchange services, custom and class features, ancillary services such as 911, E911, directory listings, directory assistance, special access services and intrastate interexchange services. The record reveals that Momentum's services will

initially focus on the small business with 1-10 lines and approximately twenty employees.

Momentum asked this Commission for approval of alternative regulation of its business services as was first approved by the Commission in Docket No. 95-661-C, and flexible regulation for local exchange services first approved in Docket 97-467-C. Mr. Creighton testified that Momentum currently has agreements for the provision of the services the Company intends to offer in South Carolina, including an interconnection agreement with BellSouth. He stated that Momentum will utilize Global Crossing as its underlying carrier, QWEST for DSL services, and intends to utilize Freight Savers Express for shipping services.

Mr. Creighton opined that Momentum possesses the financial, technical, and managerial resources to provide telecommunications services in the State of South Carolina. As to Momentum's managerial abilities to provide the service in South Carolina which it seeks to provide, Mr. Creighton said that Momentum has a team of experienced telecommunications and business managers. Mr. Creighton testified that Jack M. Salyer is Senior Vice President, Sales and Marketing. Mr. Salyer graduated from the University of Georgia and holds a Bachelor of Science Degree in Risk Management and Insurance. He began his professional career in 1989 with Alnet Communications, a long distance telecommunications company (now part of Global Crossing). Todd Fowler is Vice President, Operations. Mr. Fowler graduated from the University of Alabama-Birmingham and holds a Bachelor of Science Degree in Marketing. The record reveals that Dennis E. Lipford is Vice President, Finance. He graduated from Auburn University

with a Bachelor of Science Degree in Accounting. Mr. Lipford started his accounting career with Ernst & Young. Hiliare Bruno deSa is Director, Information Technologies. He holds several advanced degrees and certifications. Mr. deSa began his career as a physician in internal medicine and then moved into information technologies. He was most recently with BellSouth Telecommunications and EDS. Peggy D. McKay earned a Bachelor of Science Degree from the University of Alabama-Birmingham in Business Administration. She began her career with South Central Bell and since retiring, has trained CLECs in LENS, CSOTS, CAFÉ, and TAFI for BellSouth. Mr. Creighton graduated from the University of Alabama with a Bachelor of Science Degree in Finance and a minor in Computer Science. Mr. Creighton joined BellSouth Advanced Systems after graduating from the University of Alabama. His background also includes ten years with NuCel, Inc., a wireless telecommunications company.

With regard to Momentum's financial ability to operate as a telecommunications carrier, Mr. Creighton states that Momentum has completed its funding requirements by closing a Preferred Stock Purchase Agreement with its investors on March 19, 2001. He said the funding secured by Momentum is intended to finance the build out of a "first class" call center, billing operations, and order and processing center. He further stated that a significant portion of the funding is budgeted to purchase the necessary infrastructure to support the Company's operations and to enable Momentum to hire a professional staff. He said none of the funding will be spent on facility-based equipment, engineering, or outside plant because Momentum intends to purchase UNE combinations and resale services from the incumbents. Mr. Creighton offered that the Company's net

income is ahead of projections and the cash position of the Company is better than projected.

As to the Company's customer service, the record reveals that Momentum will offer comprehensive customer service on its toll-free telephone number 1 (800) 466-2210. Mr. Creighton said that the Company has been auditing 100% of its bills prior to sending them out. He said the bills have been accurate. He described the bill as stating the Company's name, address and toll-free telephone number with a summary page that reflects local telephone service and shipping services. Additionally, he said the bill contains a detailed page with the number of minutes used broken down for customer clarification. As to customer complaints, Mr. Creighton testified that most complaints to date have been on service issues. He said Todd Fowler, Vice President, Operations is the person in charge of customer service/complaints for Momentum. Further, Mr. Creighton testified that Peggy D. McKay will be the regulatory contact person for Momentum and that Dennis E. Lipford, Vice President, Finance, will be the financial contact person.

Mr. Creighton asserts that Momentum will operate in compliance with all applicable statutes, regulations, and Commission orders. Further, Mr. Creighton assured the Commission that Momentum's service will meet applicable service standards and that Momentum will support universally available telephone service at affordable prices. Further, Mr. Creighton offered that approval of Momentum's Application serves the public interest by increasing telecommunications competition in South Carolina thereby bringing about lower rates, improved quality of service, and enhanced services. Moreover, the presence of Momentum in the market will increase incentives for the

ILEC's to reduce their prices, offer more innovative services, and improve their quality of service thereby benefiting all consumers in South Carolina. Mr. Creighton also offered that approval of Momentum's Application would not adversely impact the availability of affordable local service.

Mr. Creighton stated he was familiar with Commission Staff's recommended changes to the tariff and confirmed that the Company would be willing to make all of the suggested changes to its final tariff. In addition, Mr. Creighton agreed to provide the Company's email address and telephone number on the bottom of each Tariff page and will also furnish a copy of its Bill Form, according to 26. S.C. Code Ann. Regs. 103-612.2 and 103-622.1 (1976).

Finally, Mr. Creighton discussed Momentum's requests for certain waivers of Commission regulations and for alternative regulatory treatment. Momentum requests that the Commission regulate its interexchange business services, consumer card, and operator service offerings in accordance with the principles and procedures established by Order Nos. 95-1734 and 96-55 in Docket No. 1995-661-C. In addition, the Company requests that the Commission regulate its local exchange telecommunications services under the flexible regulatory treatment approved by Order No. 1998-165 in Docket No. 1997-467-C. Momentum asks that it be exempt from any rules or regulations that would require it to keep its financial records in conformance with the Uniform System of Accounts. Momentum seeks to maintain its books of accounts in accordance with the Generally Accepted Accounting Principles (GAAP). Additionally, the Company seeks a waiver of 26 S.C. Code Ann. Regs. 103-631 (1976 & Supp. 2000) so that it will not be

required to publish local exchange directories. Momentum will contract with at least one incumbent local exchange carrier for the inclusion of Momentum's CLEC data base into the master customer data base of the local exchange carrier. The Company also seeks waiver of 26 S.C. Code Ann. Regs. 103-610 (1976 & Supp. 2000) so that Momentum can maintain its records outside of South Carolina. The Company wishes to maintain its books and records at its headquarters in Birmingham, Alabama.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. Momentum is a privately held corporation duly organized and existing under the laws of the State of Delaware and is authorized to do business in the State of South Carolina by the Secretary of State.

2. Momentum is a provider of local exchange and interexchange telecommunications services and wishes to provide its services in South Carolina.

3. Momentum has the managerial, technical, and financial resources to provide the services as described in its Application. S.C. Code Ann. Section 58-9-280 (B)(1) (Supp. 2000).

4. The Commission finds that Momentum's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. Section 58-9-280 (B)(3) (Supp. 2000).

5. The Commission finds that Momentum will support universally available telephone service at affordable rates. S.C. Code Ann. Section 58-9-280 (B)(4) (Supp. 2000).

6. The Commission finds that Momentum will provide services which will meet the service standards of the Commission. S.C. Code Ann. Section 58-9-280 (B)(2) (Supp. 2000).

7. The Commission finds that the provision of local exchange service by Momentum “does not otherwise adversely impact the public interest.” S.C. Code Ann. Section 58-9-280 (B)(5) (Supp. 2000).

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to Momentum to provide competitive resold and facilities-based intrastate local exchange services only to customers located in the non-rural areas of the state. The terms of the Stipulation between Momentum and SCTC are approved, and adopted as a part of this Order. Therefore, any proposal to provide local telecommunications service to rural service areas is subject to the terms of the Stipulation. In addition, Momentum is granted authority to provide intrastate interLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through its own facilities and through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), directory assistance, travel card service or any other services authorized for resale by tariffs of carriers approved by the Commission.

2. Momentum shall file, prior to offering local exchange services in South Carolina, its final tariff of its local service offerings conforming to all matters discussed with Staff and comporting with South Carolina law in all matters. Momentum's local telecommunications services shall be regulated in accordance with the principles and procedures established for flexible regulation first granted to NewSouth Communications by Order No. 98-165 in Docket No. 97-467-C.

Specifically, the Commission adopts for Momentum's competitive intrastate local exchange services a rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels that will have been previously approved by the Commission. Further, Momentum's local exchange service tariff filings are presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case the tariff filing would be suspended pending further Order of the Commission. Further, any such tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

3. The Commission adopts a rate design for the long distance services of Momentum which are consistent with the principles and procedures established for alternative regulation of business service offerings set out in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C.

Under the Commission approved alternative regulation, the business service offerings of Momentum, including consumer card services and operator services, are subject to a relaxed regulatory scheme identical to that granted to AT&T

Communications in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. Under this relaxed regulatory scheme, tariff filings for business services shall be presumed valid upon filing. The Commission will have seven (7) days in which to institute an investigation of any tariff filing. If the Commission institutes an investigation of a particular tariff filing within the seven days, the tariff filing will then be suspended until further Order of the Commission. Any relaxation in the future reporting requirements that may be adopted for AT&T shall apply to Momentum also.

4. With regard to the residential interexchange service offerings of Momentum, the Commission adopts a rate design which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

5. With regard to residential interexchange service rates, Momentum shall not adjust its residential interexchange service rates below the approved maximum level without notice to the Commission and to the public. Momentum shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed

increase in the maximum rate level for residential interexchange services reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 2000).

6. If it has not already done so by the date of issuance of this Order, Momentum shall file its revised long distance tariff and an accompanying price list within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations.

7. Title 23, Chapter 47, South Carolina Code of Laws Ann., governs the establishment and implementation of a Public Safety Communications Center," which is more commonly known as a "911 system" or "911 service." Services available through a 911 system include law enforcement, fire, and emergency medical services. In recognition of the necessity of quality 911 services being provided to the citizens of South Carolina, the Commission hereby instructs Momentum to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating. Contact with the appropriate 911 service authorities is to be made before beginning telephone service in South Carolina. Accompanying this Order is an information packet from the South Carolina Chapter of the National Emergency Number Association ("SC NENA") with contact information and sample forms. The Company may also obtain information by contacting the E911 Coordinator at the Office of Information Resources of the South Carolina Budget and Control Board. By this Order

and prior to providing services within South Carolina, Momentum shall contact the 911 Coordinator in each county, as well as the 911 Coordinator in each city where the city has its own 911 system, and shall provide information regarding the Company's operations as required by the 911 system.

8. Momentum is subject to access charges pursuant to Commission Order No. 86-584 in which the Commission determined that for access purposes resellers should be treated similarly to facilities-based interexchange carriers.

9. With regard to the Company's resale interexchange service, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

10. Momentum shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If Momentum changes underlying carriers, it shall notify the Commission in writing.

11. With regard to the origination and termination of toll calls within the same LATA, Momentum shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dialing parity rules established by the Federal Communications Commission, pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209).

12. Momentum shall file surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The

annual report and the gross receipt filings will necessitate the filing of intrastate information. Therefore, Momentum shall keep such financial records on an intrastate basis as needed to comply with the annual report and gross receipt filings. The form the Company shall use to file annual financial information with the Commission can be found at the Commission's website at www.psc.state.sc.us/forms/default.htm. The two page form the Company shall use to file this information is entitled "Annual Information on South Carolina Operations for Interexchange Companies and AOS". Be advised that the Commission's annual report for telecommunications companies requires the filing of intrastate revenues and intrastate expenses.

13. In addition, Momentum is required to file annual report information for competitive local exchange carriers. The form the Company shall use to file annual financial information with the Commission can be found at the Commission's website at www.psc.state.sc.us/forms/default.htm. This form is entitled "Annual Report for Competitive Local Exchange Carriers" and consists of four pages. Additionally, Momentum shall file with the Commission a quarterly report entitled "CLEC Service Quality Quarterly Report." The proper form for this report is found on the Commission's website at www.psc.state.sc.us/forms/default.htm.

14. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the

name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours.

Momentum shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The form the Company shall use to file this authorized utility representative information can be found at the Commission's website at www.psc.state.sc.us/forms. This form is entitled "Authorized Utility Representative Information." Further, the Company shall promptly notify the Commission in writing if the representatives are replaced. Momentum shall also file with the Commission a copy of its general Bill Form as required by S.C. Code Regs. 103-612.2 and 103-622 (1976 and Supp. 2000).

15. Momentum shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

16. By its Application, Momentum requested a waiver of 26 S.C. Code Ann. Regs. 103-631 (1976 and Supp. 2000). In lieu of publishing local directories, Momentum informs the Commission that it will contract with the incumbent LECs to provide Momentum's customers with directory listings, as well as to undertake the distribution of directories. The Commission finds Momentum's request reasonable and grants the requested waiver of the application of 26 S.C. Code Ann. Regs. 103-631 (1976 and Supp. 2000). Further, Momentum is granted a waiver of 26 S.C. Regs. 103-610 (1976 and Supp. 2000) requiring the Company to maintain its financial books and records within the

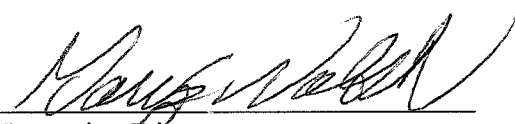
State of South Carolina. Momentum is hereby granted permission to maintain its financial books and records at its principal headquarters in Birmingham, Alabama. Further, the Commission acknowledges that Momentum will maintain its financial books and records in conformance with GAAP. Momentum is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

17. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

Docket No. 2001-359-C

Re: Application of Momentum Business Solutions,)
Inc. for a Certificate of Public Convenience and)
Necessity to Provide Intrastate Interexchange,)
Local Exchange, and Exchange Access)
Telecommunications Services in the State of)
South Carolina)
_____)

STIPULATION

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and Momentum Business Solutions, Inc. ("Momentum") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, SCTC does not oppose Momentum's Application. SCTC and Momentum stipulate and agree as follows:

1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to Momentum, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.
2. Momentum stipulates and agrees that any Certificate which may be granted will authorize Momentum to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.
3. Momentum stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.
4. Momentum stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and

until Momentum provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, Momentum acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. Momentum stipulates and agrees that, if Momentum gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then Momentum will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. Momentum acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

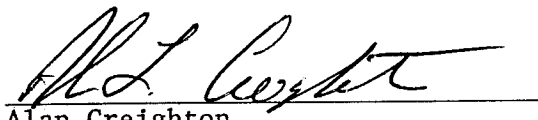
7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and Momentum, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

8. Momentum agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

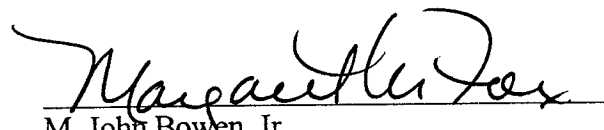
9. Momentum hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 10th day of October,
2001.

Momentum Business Solutions, Inc.:


Alan Creighton
President
Momentum Business Solutions, Inc.

South Carolina Telephone Coalition:


M. John Bowen, Jr.
Margaret M. Fox
McNAIR LAW FIRM, P.A.
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Columbia, South Carolina 29211
(803) 799-9800

Attorneys for the South Carolina Telephone
Coalition

ATTACHMENT A

South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation

ALLTEL South Carolina, Inc.
Chesnee Telephone Company
Chester Telephone Company
Farmers Telephone Cooperative, Inc.
Ft. Mill Telephone Company
Heath Springs Telephone Company Inc.
Home Telephone Company, Inc.
Lancaster Telephone Company
Lockhart Telephone Company
McClellanville Telephone Company
Norway Telephone Company
Palmetto Rural Telephone Cooperative, Inc.
Piedmont Rural Telephone Cooperative, Inc.
Pond Branch Telephone Company
Ridgeway Telephone Company
Rock Hill Telephone Company
Sandhill Telephone Cooperative, Inc.
St. Stephen Telephone Company
West Carolina Rural Telephone Cooperative, Inc.
Williston Telephone Company

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

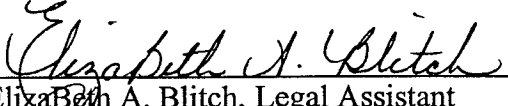
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Local Exchange, and Exchange Access)
Telecommunications Services in the State of)
South Carolina)
_____)

**CERTIFICATE OF
SERVICE**

I, ElizaBeth A. Blitch, do hereby certify that I have this date served one (1) copy of the foregoing Stipulation upon the following party of record by causing said copy to be deposited with the United States Mail, first class postage prepaid to:

Randolph R. Lowell, Esquire
Willoughby & Hoefer, P.A.
Post Office Box 8416
Columbia, SC 29202-8416


ElizaBeth A. Blitch, Legal Assistant
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Columbia, South Carolina 29211
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October 19, 2001

Columbia, South Carolina